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10/782,345

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Behram Dacosta

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ROGITZ & ASSOCIATES

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SUITE 3120

SAN DIEGO, CA 92101

EXAMINER

HOSSAIN, TANIM M

ART UNIT

PAPER NUMBER

2145

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,345

Applicant(s)

DACOSTA, BEHRAM

Examiner

Tanim Hossain

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/22/06, 2/19/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

The claim numbering is improper because it appears that claim 20 does not exist as a result of a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamieniecki (U.S. 7,162,733) in view of Hayes (2006/0259184).

As per claim 1, Kamieniecki teaches a home entertainment system comprising: at least one wireless system server having at least a primary communication system (figures 3-5; Abstract; column 2 line 48 – column 3, line 43); and at least one component having at least a primary communication system configured for communicating with the primary communication system of the server, wherein the component sends information to the server using a secondary communication system that is out-of-band with the primary systems (column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62). Kamieniecki does not per se

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teach the use of a wireless component sending configuration information to the server. Hayes teaches the use of PDAs and laptops in an automatic setup system, where the PDAs and laptops send configuration information to the server through an IR signal (0024, 0045). It would have been obvious to one of ordinary skill in the art at the time of the invention to include that the terminal components are able to send signals to a set-top box (server), as taught by Hayes, into a home-entertainment setup system with primary and secondary communication ability, as taught by Kamieniecki. The motivation for doing so lies in the fact that sending IR signals from laptops (for example) to a set-top device is eminently well known in the art of network configurations, and would allow for an additional method through which the set-top device may identify the terminal device, for example. Both inventions are from the same field of endeavor, namely the automatic configuration of network appliances.

As per claim 2, Kamieniecki-Hayes further teaches that the server sends configuration information using a secondary communication system to the component (Kamieniecki: Abstract).

As per claim 3, Kamieniecki-Hayes further teaches that the configuration information includes at least one of: an encryption key, an address, and an identification (Kamieniecki: Abstract; Hayes: 0024, 0045).

As per claim 4, Kamieniecki-Hayes teaches the system of claim 1, but does not specifically teach that the secondary communication system includes a removable media drive and at least one media component removable from the drive. It would have been obvious to include this teaching, as this may constitute the use of a disk, flash drive, etc., such that data can be saved onto the disk and moved between the server and the terminal device. Such a teaching is

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very well known in the art of system configuration, where, for example, a driver is stored on one computer and is saved onto a disk to be used on another computer.

As per claim 5, Kamieniecki-Hayes further teaches that the secondary communication system is an IR system, each of the server and the component having at least one respective IR port, the configuration information being exchangeable through the ports (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62).

As per claim 6, Kamieniecki-Hayes teaches the system of claim 5, but does not specifically teach that the configuration information is exchangeable when the ports are aligned with each other in line of sight with each other. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this limitation, as general IR communication does not function unless the terminals are in line of sight with each other. For example, a remote control will not function if blocked by an object. As such, to specifically include this teaching would have been obvious to one of ordinary skill in the art.

As per claim 7, Kamieniecki-Hayes further teaches a remote control device establishing a relay node between the ports (Kamieniecki: column 2, lines 48-59).

As per claim 8, Kamieniecki-Hayes teaches the system of claim 1, but does not specifically teach a constraining distance for signals to be exchanged. It would have been obvious to one of ordinary skill in the art to specifically include this limitation, as IR signals are generally constrained by distance, where IR signals can only travel up to certain distances.

As per claim 9, Kamieniecki-Hayes further teaches that the configuration information is exchanged automatically between the server and component when the distance between them is

within the communication distance (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62).

As per claim 10, Kamieniecki-Hayes further teaches that the configuration information is exchanged between the server and component only when the distance between them is within the communication distance and a user manipulates at least one button on at least one of the server and the component (Kamieniecki: column 1, lines 29-32; column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62).

As per claim 11, Kamieniecki-Hayes further teaches that the secondary communication systems are personal area networks (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62).

As per claim 12, Kamieniecki-Hayes teaches the system of claim 1, but does not specifically teach that the primary communication system is an 802.11 system. It would have been obvious to include this limitation into the system of Kamieniecki-Hayes, as an 802.11 system is commonly used in the art of transferring information through a network. As such, to include this teaching specifically would allow for another example of network type (in addition to the existing network types), which would have been an obvious contemplation in the development of the invention.

As per claim 13, Kamieniecki-Hayes further teaches that the server is established by a set-top box receiver (Kamieniecki: figure 2).

As per claim 14, Kamieniecki-Hayes teaches a home entertainment system, comprising: at least one wireless system server having at least a primary communication system (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-

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62); and at least one wireless component having at least a primary communication system configured for communicating with the primary communication system of the server, wherein the component sends configuration information to the server using the primary communication system, at least one of: the server, and the component, determining a value of at least one physical parameter of a signal received from the other and affirming proper exchange of information only if the value indicates that the server and component are within an acceptably close distance of each other (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62; Hayes: 0024, 0045).

As per claim 15, Kamieniecki-Hayes further teaches that the parameter is at least one of: a received signal delay spread, and a received distribution of signal strengths (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62; Hayes: 0024, 0045).

As per claim 16, Kamieniecki-Hayes teaches the system of claim 15, but does not specifically teach that when the value indicates a Rician (or Rice) distribution, a valid configuration information exchange is indicated. It would have been obvious to include a value of a Rician distribution as a valid configuration exchange indication. This constitutes a design choice, as the use of a Rician distribution is common in the art of signal propagation. To specifically include a Rician distribution value as indicating a valid configuration exchange parameter would have been obvious as such, since its inclusion constitutes a design choice commonly implemented in IR communications.

As per claim 17, Kamieniecki-Hayes further teaches that to effect the exchange of confidential information, a user must manipulate a button on either or both the server and

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component synchronously with configuration information transfer (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62; Hayes: 0024, 0045).

As per claim 18, Kamieniecki-Hayes teaches a method for communication between a home network server and at least one home network component, comprising: after the successful exchange of configuration information, communicating audio/video information over a wireless link of a primary wireless system (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62; Hayes: 0024, 0045); and exchanging configuration information using a wireless link that is out-of-band with the primary wireless communication system (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62; Hayes: 0024, 0045).

Claims 19 and 21-30 are rejected under Kamieniecki-Hayes on the same bases as claims 3-13 respectively, as the instant claims disclose limitations similar to those of the earlier claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain
Patent Examiner
Art Unit 2145



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SUPERVISORY PATENT EXAMINER